

REMARKS

In the outstanding Office Action¹, the Examiner objected to claims 5-13; rejected claims 10-13 under 35 U.S.C. § 112, second paragraph; rejected claims 1, 2, 6, and 7 under 35 U.S.C. § 102(b) as being anticipated by Sato et al. (Electrophoresis, 2002, 23:734-739, hereafter "Sato"); rejected claims 1, 2, 6, and 7 under 35 U.S.C. § 102(b) as being anticipated by Quate et al. (U.S. Patent No. 7,294,503, hereafter "Quate"); rejected claims 1-4, 6, and 7 under 35 U.S.C. § 102(e) as being anticipated by Zenhausern et al. (U.S. Patent Application Publication No. 2004/0011650, hereafter "Zenhausern"); rejected claims 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Zenhausern in view of Lough et al. (U.S. Patent No. 5,900,481, hereafter "Lough"); and rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Zenhausern in view of Smith et al. (U.S. Patent No. 6,270,970, hereafter "Smith") and Lough.

By this Amendment, Applicants amend claims 1-13. Claims 1-13 remain pending.

Regarding the objection to claims 5-13, Applicants have amended claims 5-13. Accordingly, Applicants respectfully request withdrawal of the objection to claims 5-13.

Regarding the rejection of claims 10-13 under 35 U.S.C. § 112, second paragraph, Applicants have amended claims 10-13. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 10-13 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of claims 1, 2, 6, and 7 under 35

U.S.C. §102(b) as being anticipated by Sato.

Claim 1, as amended, recites a microchip, comprising:

a first substrate; and

a second substrate connected with the first substrate to define a connecting surface therebetween, the first substrate and the second substrate defining a microchannel in the connecting surface by a first groove part of the first substrate and a second groove part of the second substrate, wherein

the microchannel includes a gap part, the gap part having a sectional size variable by a movable protruding part in the first groove part or in the second groove part.

(Emphasis added). Sato fails to teach or suggest at least the claimed the gap part having a variable sectional size. Accordingly, claim 1 distinguishes over Sato. Claims 2, 6, and 7 depend from claim 1 and distinguish over Sato at least due to their dependence.

Applicants respectfully traverse the rejection of claims 1, 2, 6, and 7 under 35

U.S.C. §102(b) as being anticipated by Quate.

Quate fails to teach or suggest at least a “gap part having a sectional size variable by a movable protruding part in the first groove part or in the second groove part,” as recited in amended claim 1. Accordingly, amended claim 1 distinguishes over Quate. Claims 2, 6, and 7 depend from claim 1 and distinguish over Quate at least due to their dependence.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Applicants respectfully traverse the rejection of claims 1-4, 6, and 7 under 35 U.S.C. §102(e) as being anticipated by Zenhausern.

Zenhausern fails to teach or suggest at least a “gap part having a sectional size variable by a movable protruding part in the first groove part or in the second groove part,” as recited in amended claim 1. Accordingly, amended claim 1 distinguishes over Zenhausern. Claims 2-4, 6, and 7 depend from claim 1 and distinguish over Zenhausern at least due to their dependence.

Applicants respectfully traverse the rejection of claims 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Zenhausern in view of Lough.

As discussed above, Zenhausern fails to teach or suggest “the gap part having a sectional size variable by a movable protruding part in the first groove part or in the second groove part,” as recited in claim 1, and required by claims 8-12. Lough fails to cure the deficiencies of Zenhausern. Accordingly, claims 8-12 distinguish over Zenhausern and Lough, alone or combined.

Applicants respectfully traverse the rejections of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Zenhausern in view of Lough and Smith.

As discussed above, Zenhausern and Lough, alone or combined, fail to teach or suggest “the gap part having a sectional size variable by a movable protruding part in the first groove part or in the second groove part,” as recited in claim 1, and required by claim 13. Smith fails to cure the deficiencies of Zenhausern and Lough. Accordingly, claim 13 distinguishes over Zenhausern, Lough, and Smith, alone or combined.

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 1, 2008

By: 

Michael R. Kelly
Reg. No. 33,921